

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Mail Processing Network Rationalization  
Service Changes, 2012

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Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR IMMEDIATE ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP20 and NP21  
(April 23, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access the following Postal Service Library References:

- USPS-LR-N2012-1/NP20 Facility Data to Run LogicNet Model (no Depreciation)\_NoLinks.mdb In Response To POIR 2 Question 1 [Non-Public]
- USPS-LR-N012-1/NP21 MODS Workload Data Responsive to POIR 4, Questions1, 3 [Non-Public]

The Postal Service submitted Library References USPS-LR-N2012-1/NP20 and NP21 on April 16, 2012 accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that materials in this Library Reference consist of "consist of data that reveal fiscal year 2010 Management Operation Data System (MODS) facility-specific and operation specific mail volumes for specific Processing & Distribution Centers (or Processing & Distribution Facilities) that are modeled as described in the Direct Testimony of Emily Rosenberg on Behalf of the United States Postal Service (USPS-T-3)."<sup>1</sup> The Postal Service claims that if this information were publicly disclosed "it is quite likely that it would suffer commercial harm"<sup>2</sup> by permitting competitors to "gain

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<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP20 and NP21 (April 16, 2012).

<sup>2</sup> Id. at 3.

specific insight into local Postal Service customer behavior; better gauge the size of the delivery market in specific service areas, develop strategies for determining what marketing resources to devote to further penetration of specific local markets and more keenly determine the direction in which to adjust the prices for their services that compete with postal products.”<sup>3</sup> The Postal Service requests that these materials “be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.”<sup>4</sup> The Postal Service also seeks to prevent actual or potential customers of the Postal Service for competitive products from accessing the nonpublic materials.

The Postal Service Application provides no rationale for preventing actual or potential customers from accessing this material or identification of the commercial harm that would result. In addition, this category of persons is so broad that it likely excludes all parties participating in this docket from accessing and assessing this information. Furthermore, while it is true that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor and poses no risk to the commercial success of the Postal Service.

APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has been an active participant in this docket. APWU also intends to submit rebuttal testimony. Parties should be entitled to material that has direct bearing on the Postal Service’s conclusions and rationale in the Postal Service’s case to fully evaluate the Postal Service’s plan in this docket. The information contained in these library references were previously, though mistakenly available in the public record and utilized by APWU and its consultants and attorneys. We believe that the information presented in USPS-

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<sup>3</sup> Id. at 3-4.

<sup>4</sup> Id. at 4.

LR-N2012-1/NP20 and NP21 will facilitate preparation of our rebuttal case and our arguments on brief at the conclusion on this case.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library References USPS-LR-N2012-1/NP14 and NP15:

Phillip A. Tabbita,  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Kathryn Kobe,  
Director of Price, Wage and Productivity Analysis ECS, LLC  
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Pierre Kacha  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Donald M. Baron  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper  
Commonwealth Computer Research, Inc.  
Systems Engineer  
Decision/Analysis Partners

Barbara Zibordi  
Paralegal  
O'Donnell, Schwartz & Anderson, P.C.

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion today by email.

Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP20 and NP21. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP20 and NP21 to the above named individuals.

**Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP20 and NP21 be immediately granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO

### CERTIFICATION

The undersigned represents that:

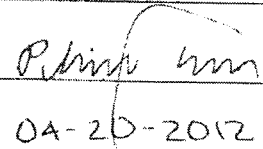
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP20** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabitta</u>
Firm	<u>AMERICAN POSTAL WORKERS UNION</u>
Title	<u>MGR Negotiation Support</u>
Representing	<u>AMERICAN POSTAL WORKERS UNION</u>
Signature	<u><i>Phillip Tabitta</i></u>
Date	<u>04-20-2012</u>

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP21** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabitta</u>
Firm	<u>American Postal Workers Union</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>American Postal Workers Union</u>
Signature	<u></u>
Date	<u>04-20-2012</u>

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Name	<u>Kathryn Kabe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost, Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn Kabe</u>
Date	<u>4-18-12</u>

### CERTIFICATION

The undersigned represents that:

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Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost, Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn Z Kobe</u>
Date	<u>4/18/12</u>



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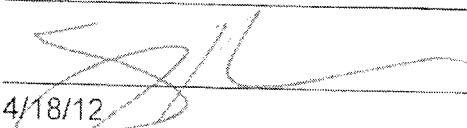
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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
Signature	
Date	4/18/12

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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
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Date	4/18/12

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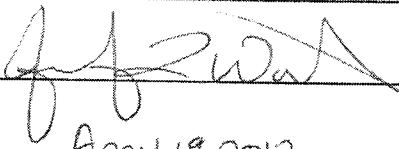
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>April 19, 2012</u>

### CERTIFICATION

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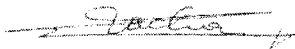
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
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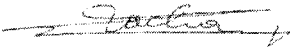
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Name	<u>Pierre Kacha</u>
Firm	<u>decision/analysis partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	 <u></u>
Date	<u>April 18, 2012</u>

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Name	<u>Pierre Kacha</u>
Firm	<u>decision/analysis partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	 _____
Date	<u>April 18, 2012</u>

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Name

Ronald M. Baron

Firm

Decision Analysis Partners

Title

Consultant

Representing

APVU

Signature

Ronald M. Baron

Date

4/19/2012

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Name

Donald M. Baron

Firm

Decision Analysis Partners

Title

Consultant

Representing

ADWU

Signature

Donald M. Baron

Date


4/19/2012



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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	Apr. 18, 2012

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	Apr. 18, 2012

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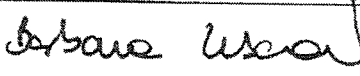
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Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Paralegal
Representing	APWU
Signature	<u>Barbara Zibordi</u>
Date	<u>4/18/12</u>

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